

Then in the middle of page 3, the examiner states that:

“...although not disclosed, it is obvious to one skilled in the art that the trenches in Tsuji have sidewalls, as there is no other possible way for the trench to exist known to the examiner.”

The examiner has thus admitted that Tsuji does not show utilization of sidewalls in forming the trenches. Thus, despite the great detail that Tsuji goes into with regard to the rest of the process, the examiner is stating that this feature is missing and that it is an essential feature, because there is no other way to make sidewalls. Accordingly, the examiner is asserting that the Tsuji reference is inoperative.

Applicant disagrees that the Tsuji reference is inoperative and invites the examiner to either cite art showing that the utilization of sidewalls is essential in the formation of trenches or submit an affidavit in accordance with MPEP 2144.03 to support her contention that sidewalls are required in the formation of trenches. In the absence of such a citation of art or the affidavit, applicant requests that the examiner withdraw the obvious rejection and pass the case to issue.

Respectfully Submitted, by



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